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FILE: ARCD:333--1

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Assistant Commissioner for Patents
Washington, DC 20231RE: SN 09/381,750 "PROMOTER FOR SMOOTH MUSCLE CELL EXPRESSION" –
Michael S. Parmacek and Julian Solway

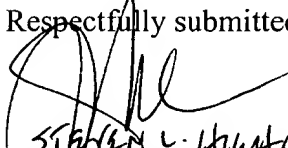
Sir:

Enclosed for filing in the above-referenced patent application is a Supplemental Information Disclosure Statement, Form PTO-1449 and references (A1, C6-C67).

No fees are believed to be due in connection with the filing of this Supplemental Information Disclosure Statement, however, should any fees under 37 C.F.R. §§ 1.16 to 1.21 be deemed necessary for any reason relating to the enclosed materials, the Assistant Commissioner is hereby authorized to deduct said fees from Fulbright & Jaworski Deposit Account No. 50-1212/10008078/MWB.

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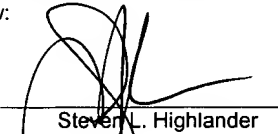
Respectfully submitted,

for 
Mark B. Wilson
Reg. No. 37,259

STEVEN L. HIGHLANDER, File No. 37,612

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Encl.: As noted

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
Michael S. Parmacek
Julian Solway

Serial No.: 09/381,750

Filed: September 22, 1999

For: PROMOTER FOR SMOOTH MUSCLE
CELL EXPRESSION



Group Art Unit: Unknown

Examiner: Unknown

Atty. Dkt. No.: ARCD:333--1/MBW

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

In compliance with the duty of disclosure under 37 C.F.R. § 1.56, it is respectfully requested that this Supplemental Information Disclosure Statement be entered and the documents listed on attached Form PTO-1449 be considered by the Examiner and made of record. Copies of the listed documents required by 37 C.F.R. § 1.98(a)(2) are enclosed for the convenience of the Examiner.

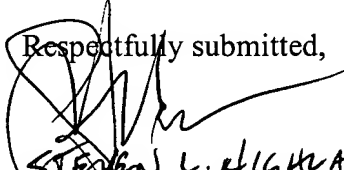
In accordance with 37 C.F.R. §§ 1.97(g),(h), this Supplemental Information Disclosure Statement is not to be construed as a representation that a search has been made, and is not to be

construed to be an admission that the information cited is, or is considered to be, material to patentability as defined in 37 C.F.R. § 1.56(b).

The present Supplemental Information Disclosure Statement is being filed prior to the receipt of a first Official Action reflecting an examination on the merits, and hence is believed to be timely filed in accordance with 37 C.F.R. § 1.97(b). No fees are believed to be due in connection with the filing of this Supplemental Information Disclosure Statement, however, should any fees under 37 C.F.R. §§ 1.16 to 1.21 be deemed necessary for any reason relating to these materials, the Assistant Commissioner is hereby authorized to deduct said fees from Fulbright & Jaworski Deposit Account No. 50-1212/10008078/MBW.

Applicant respectfully requests that the listed documents be made of record in the present case.

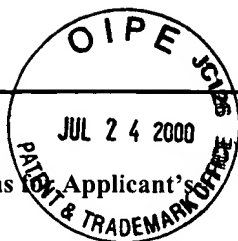


Respectfully submitted,

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Form PTO-1449 (modified)

Atty. Docket No.
ARCD:333—1/MBWSerial No.
09/381,750

List of Patents and Publications

Applicant's

Applicant

Michael S. Parmacek and Julian Solway

INFORMATION DISCLOSURE STATEMENT

(Use several sheets if necessary)

Filing Date:
September 22, 1999Group:
UnknownU.S. Patent Documents
*See Page 1*Foreign Patent Documents
*See Page 1*Other Art
See Page 1

U.S. Patent Documents

Exam. Init.	Ref. Des.	Document Number	Date	Name	Class	Sub Class	Filing Date of App.
	A1	5,837,534	11/17/98	Olson <i>et al.</i>			

Foreign Patent Documents

Exam. Init.	Ref. Des.	Document Number	Date	Country	Class	Sub Class	Translation Yes/No
	B1						

Other Art (Including Author, Title, Date Pertinent Pages, Etc.)

Exam. Init.	Ref. Des.	Citation
	C6	Cserjesi <i>et al.</i> , "MHox: a mesodermally restricted homeodomain protein that binds an essential site in the muscle creatine kinase enhancer," <i>Development</i> , 115:1087-1101, 1992.
	C7	Dalton and Treisman, "Characterization of SAP-1, a Protein Recruited by Serum Response Factor to the <i>c-fos</i> Serum Response Element," <i>Cell</i> , 68:597-612, February 1992.
	C8	Devlin <i>et al.</i> , "Identification of a Muscle-specific Enhancer within the 5'-Flanking Region of the Human Myoglobin Gene," <i>J. of Biol. Chem.</i> , 264(23):13896-13901, August 1989.
	C9	Dierks <i>et al.</i> , "Three Regions Upstream from the Cap Site are Required for Efficient and Accurate Transcription of the Rabbit β -Globin Gene in Mouse 3T6 Cells," <i>Cell</i> , 32:695-706, March 1983.
	C10	Dynan and Tjian, "The Promoter-Specific Transcription Factor Sp 1 Binds to Upstream Sequences in the SV40 Early Promoter," <i>Cell</i> , 35:79-87, November 1983.
	C11	Edmondson <i>et al.</i> , "Analysis of the Myogenin Promoter Reveals an Indirect Pathway for Positive Autoregulation Mediated by the Muscle-Specific Enhancer Factor MEF-2," <i>Mol. and Cell. Biol. USA</i> , 12(9):3665-3677, September 1992.
	C12	Evans <i>et al.</i> , "An erythrocyte-specific DNA-binding factor recognizes a regulatory sequence common to all chicken globin genes," <i>Proc. Natl. Acad. Sci.</i> , 85:5976-5980, August 1988.
	C13	Fields and Song, "A novel genetic system to detect protein-protein interactions," <i>Nature</i> , 340:245-246, July 1989.

Examiner:

DATE CONSIDERED:

EXAMINER: INITIAL IF REFERENCE CONSIDERED, WHETHER OR NOT CITATION IS IN CONFORMANCE WITH MPEP609; DRAW LINE THROUGH CITATION IF NOT IN CONFORMANCE AND NOT CONSIDERED. INCLUDE COPY OF THIS FORM WITH NEXT COMMUNICATION TO APPLICANT.

INFORMATION DISCLOSURE STATEMENT — PTO-1449 (MODIFIED)

Form PTO-1449 (modified)

List of Patents and Publications for Applicant

INFORMATION DISCLOSURE STATEMENT

(Use several sheets if necessary)

Atty. Docket No.
ARCD:333—1/MBWSerial No.
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Michael S. Parmacek and Julian SolwayFiling Date:
September 22, 1999Group:
UnknownU.S. Patent Documents
*See Page 1*Foreign Patent Documents
*See Page 1*Other Art
*See Page 1***Other Art (Including Author, Title, Date Pertinent Pages, Etc.)**


Exam. Init.	Ref. Des.	Citation
	C14	Forrester <i>et al.</i> , "A Paradigm for Restenosis Based on Cell Biology: Clues for the Development of New Preventive Therapies," <i>JACC</i> , 17(3):758-769, March 1991.
	C15	Frid <i>et al.</i> , "Myosin Heavy-Chain Isoform Composition and Distribution in Developing and Adult Human Aortic Smooth Muscle," <i>J. Vasc. Res.</i> , 30:279-292, 1993.
	C16	Gimona <i>et al.</i> , "Smooth muscle specific expression of calponin," <i>FEBS</i> , 274(1,2):159-162, November 1990.
	C17	Gorski <i>et al.</i> , "Molecular Cloning of a Diverged Homeobox Gene That is Rapidly Down-Regulated during the G ₀ /G ₁ Transition in Vascular Smooth Muscle Cells," <i>Mol. and Cell. Biol.</i> , 13(6):3722-3733, June 1993.
	C18	Gossett <i>et al.</i> , "A New Myocyte-Specific Enhancer-Binding Factor That Recognizes a Conserved Element Associated with Multiple Muscle-Specific Genes," <i>Mol. and Cell. Biol.</i> , 9(11):5022-5033, November 1989.
	C19	Gottesdiener <i>et al.</i> , "Isolation and Structural Characterization of the Human 4F2 Heavy-Chain Gene, and Inducible Gene Involved in T-Lymphocyte Activation," <i>Mol. and Cell. Biol.</i> , 8(9):3809-3819, September 1988.
	C20	Grepin <i>et al.</i> , "A Hormone-Encoding Gene Identifies a Pathway for Cardiac but Not Skeletal Muscle Gene Transcription," <i>Mol. and Cell. Biol.</i> , 14(5):3115-3129, May 1994.
	C21	Grueneberg <i>et al.</i> , "Human and <i>Drosophila</i> Homeodomain Proteins That Enhance the DNA-Binding Activity of Serum Response Factor," <i>Science</i> , 257:1089-1095, August 1992.
	C22	Gustafson <i>et al.</i> , "Interaction of Nuclear Proteins with Muscle-Specific Regulatory Sequences of the Human Cardiac α -Actin Promoter," <i>Mol. and Cell. Biol.</i> , 8(10):4110-4119, October 1988.
	C23	Gualberto <i>et al.</i> , "Functional Antagonism Between YY1 and the Serum Response Factor," <i>Mol. and Cell. Biol.</i> , 12(9):4209-4214, September 1992.
	C24	Hasty <i>et al.</i> , "Muscle deficiency and neonatal death in mice with a targeted mutation in the <i>myogenin</i> gene," <i>Nature</i> , 364:501-506, August 1993.
	C25	Ip <i>et al.</i> , "The GATA-4 Transcription Factor Transactivates the Cardiac Muscle-Specific Troponin C Promoter-Enhancer in Nonmuscle Cells," <i>Mol. and Cell. Biol.</i> , 14(11):7517-7526, November 1994.

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INFORMATION DISCLOSURE STATEMENT — PTO-1449 (MODIFIED)

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List of Patents and Publications for Applicant's INFORMATION DISCLOSURE STATEMENT		Applicant Michael S. Parmacek and Julian Solway	
(Use several sheets if necessary)		Filing Date: September 22, 1999	Group: Unknown
U.S. Patent Documents See Page 1	Foreign Patent Documents See Page 1	Other Art See Page 1	

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Exam. Init.	Ref. Des.	Citation
	C26	Jones <i>et al.</i> , "A Cellular DNA-Binding Protein That Activates Eukaryotic Transcription and DNA Replication," <i>Cell</i> , 48:79-89, January 1987.
	C27	Jaynes <i>et al.</i> , "The Muscle Creatine Kinase Gene is Regulated by Multiple Upstream Elements, Including a Muscle-Specific Enhancer," <i>Mol. and Cell. Biol.</i> , 8(1):62-70, January 1988.
	C28	Johansen and Prywes, "Serum response factor: transcriptional regulation of genes induced by growth factors and differentiation," <i>Biochimica et Biophysica Acta</i> , 1242, 1-10, 1995.
	C29	Kadonaga and Tjian, "Affinity purification of sequence-specific DNA binding proteins," <i>Proc. Natl. Acad. Sci. USA</i> , 83:5889-5893, August 1986.
	C30	Kretsinger, "Structure and Evolution of Calcium-Modulated Proteins," <i>Critical Reviews in Biochemistry</i> , CRC Press, 8(1):119-174, July 1980.
	C31	Lees-Miller <i>et al.</i> , "Isolation and Characterization of an Abundant and Novel 22-kDa Protein (SM22) from Chicken Gizzard Smooth Muscle," <i>J. of Biol. Chem.</i> , 262(7):2988-2993, March 1987.
	C32	Lee <i>et al.</i> , "Displacement of BrdUrd-induced YY1 by serum response factor activates skeletal α -actin transcription in embryonic myoblasts," <i>Proc. Natl. Acad. Sci. USA</i> , 89:9814-9818, October 1992.
	C33	Lilly <i>et al.</i> , "Requirement of MADS Domain Transcription Factor D-MEF2 for Muscle Formation in <i>Drosophila</i> ," <i>Science</i> , 267:688-693, February 1995.
	C34	Martin, <i>et al.</i> , "The paired-like homeo box gene <i>MHox</i> is required for early events of skeletogenesis in multiple lineages," <i>Genes & Development</i> , 9:1237-1249, 1995.
	C35	Lassar <i>et al.</i> , "MyoD is a Sequence-Specific DNA Binding Protein Requiring a Region of <i>myc</i> Homology to Bind to the Muscle Creatine Kinase Enhancer," <i>Cell</i> , 58:823-831, September 1989.
	C36	Liu <i>et al.</i> , "Restenosis After Coronary Angioplasty, Potential Biologic Determinants and Role of Intimal Hyperplasia," <i>Circulation</i> , 79(6):1374-1387, June 1989.
	C37	Miano <i>et al.</i> , "Smooth Muscle Myosin Heavy Chain Exclusively Marks the Smooth Muscle Lineage During Mouse Embryogenesis," <i>Circulation Research</i> , 75(5):803-812, November 1994.

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	C38	Min <i>et al.</i> , "The 5'-Flanking Region of the Mouse Vascular Smooth Muscle α -Actin Gene Contains Evolutionarily Conserved Sequence Motifs within a Functional Promoter," <i>J. of Biol. Chem.</i> , 265(27):16667-16675, September 1990.
	C39	Minty and Kedes, "Upstream Regions of the Human Cardiac Actin Gene That Modulate its Transcription in Muscle Cells: Presence of an Evolutionarily Conserved Repeated Motif," <i>Mol. and Cell. Biol.</i> , 6(6):2125-2136, June 1986.
	C40	Mitchell <i>et al.</i> , "Positive and Negative Regulation of Transcription <i>In Vitro</i> : Enhancer-Binding Protein AP-2 is Inhibited by SV40 T Antigen," <i>Cell</i> , 50:847-861, September 1987.
	C41	Natesan and Gilman, "DNA bending and orientation-dependent function of YY1 in the <i>c-fos</i> promoter," <i>Genes & Development</i> , 7:2497-2509, 1993.
	C42	Nishida <i>et al.</i> , "cDNA cloning and mRNA expression of calponin and SM22 in rat aorta smooth muscle cells," <i>Gene</i> , 130:297-302, 1993.
	C43	Olson, "MyoD family: a paradigm for development?", <i>Genes & Development</i> , 4:1454-1461, 1990.
	C44	Orkin, "GATA-Binding Transcription Factors in Hematopoietic Cells," <i>Blood</i> , 80(3):575-581, August 1992.
	C45	Owens <i>et al.</i> , "Expression of Smooth Muscle-specific α -Isoactin in Cultured Vascular Smooth Muscle Cells: Relationship between Growth and Cytodifferentiation," <i>J. of Cell Biol.</i> , 102:343-352, February 1986.
	C46	Parmacek <i>et al.</i> , "A Novel Myogenic Regulatory Circuit Controls Slow/Cardiac Troponin C Gene Transcription in Skeletal Muscle," <i>Mol. and Cell. Biol.</i> , 14(3):1870-1885, March 1994.
	C47	Parmacek <i>et al.</i> , "Identification and Characterization of a Cardiac-Specific Transcriptional Regulatory Element in the Slow/Cardiac Troponin C Gene," <i>Mol. and Cell. Biol.</i> , 12(5):1967-1976, May 1992.
	C48	Parmacek <i>et al.</i> , "The Structure and Regulation of Expression of the Murine Fast Skeletal Troponin C Gene," <i>J. of Biol. Chem.</i> , 265(26):15970-15976, September 1990.
	C49	Parmacek and Leiden, "Structure and Expression of the Murine Slow/Cardiac Troponin C Gene," <i>J. of Biol. Chem.</i> , 264(22):13217-13225, August 1989.

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	C50	Ross, "The pathogenesis of atherosclerosis: a perspective for the 1990s," <i>Nature</i> , 362:801-809, April 1993.
	C51	Ross, "Atherosclerosis: A Defense Mechanism Gone Awry," <i>American J. of Pathology</i> , 143(4):987-1002, October 1993.
	C52	Ross, "The Pathogenesis of Atherosclerosis - An Update," <i>The New England Journal of Medicine</i> , 314(8):488-500, February 1986.
	C53	Rovner, <i>et al.</i> , "Expression of Smooth Muscle and Nonmuscle Myosin Heavy Chains in Cultured Vascular Smooth Muscle Cells," <i>J. of Biol. Chem.</i> , 261(31):14740-14745, November 1986.
	C54	Rudnicki <i>et al.</i> , "MyoD or Myf-5 is Required for the Formation of Skeletal Muscle," <i>Cell</i> , 75:1351-1359, December 1993.
	C55	Sawtell and Lessard, "Cellular Distribution of Smooth Muscle Actins during Mammalian Embryogenesis: Expression of the α -Vascular but not the γ -Enteric Isoform in Differentiating Striated Myocytes," <i>J. of Cell Biol.</i> , 109(6, pt. 1):2929-2937, December 1989.
	C56	Schwartz <i>et al.</i> , "Replication of Smooth Muscle Cells in Vascular Disease," <i>Circulation Research</i> , 58(4):427-444, April 1986.
	C57	Shanahan <i>et al.</i> , "Isolation of Gene Markers of Differentiated and Proliferating Vascular Smooth Muscle Cells," <i>Circulation Research</i> , 73(1):193-204, July 1993.
	C58	Schwartz <i>et al.</i> , "The Restenosis Paradigm Revisited: An Alternative Proposal for Cellular Mechanisms," <i>JACC</i> , 20(5):1284-1293, November 1992.
	C59	Singh <i>et al.</i> , "Molecular Cloning of an Enhancer Binding Protein: Isolation by Screening of an Expression Library with a Recognition Site DNA," <i>Cell</i> , 52:415-423, February 1988.
	C60	Tapscott and Weintraub, "MyoD and the Regulation of Myogenesis by Helix-Loop-Helix Proteins," <i>J. Clin. Invest.</i> , 87:1133-1138, April 1991.
	C61	Ueki <i>et al.</i> , "Expression of high and low molecular weight caldesmons during phenotypic modulation of smooth muscle cells," <i>Proc. Natl. Acad. Sci. USA</i> , 84:9049-9053, December 1987.

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	C62	Wilkie and Simon, "Cloning Multigene Families with Degenerate PCR Primers," <i>Methods: A Companion to Methods in Enzymology</i> , 2(1):32-41, February 1991.
	C63	Zanellato <i>et al.</i> , "Myosin Isoform Expression and Smooth Muscle Cell Heterogeneity in Normal and Atherosclerotic Rabbit Aorta," <i>Arteriosclerosis</i> , 10(6):996-1009, November/December 1990.
	C64	Aikawa <i>et al.</i> , "Human Smooth Muscle Myosin Heavy Chain Isoforms as Molecular Markers for Vascular Development and Atherosclerosis," <i>Circulation Research</i> , 73(6):1000-1012, December 1993.
	C65	Akira <i>et al.</i> , "A nuclear factor for IL-6 expression (NF-IL6) is a member of a C/EBP family," <i>The EMBO Journal</i> , 9(6):1897-1906, 1990.
	C66	Blank <i>et al.</i> , "Elements of the Smooth Muscle α -Action Promoter Required <i>in Cis</i> for Transcriptional Activation in Smooth Muscle," <i>J. of Biol. Chem.</i> , 267(2):984-989, January 1992.
	C67	Carroll <i>et al.</i> , "Structure and Complete Nucleotide Sequence of the Chicken α -Smooth Muscle (Aortic) Actin Gene," <i>J. of Biol. Chem.</i> , 261(19):8965-8976, July 1986.

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